

January 16, 2008

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KNOX_VILLAGE_SENIOR_PROJECT_(08-01)

MR. ARGENIO: Knox Village Senior Project.

Gerald Jacobowitz, Esq. appeared before the board for this proposal.

MR. JACOBOWITZ: My name is Gerry Jacobowitz, attorney from Jacobowitz & Gubits here on behalf of Knox Village. John Folchetti, who's our engineer, Banny Jesudason is our architect, Brian Rosen and Joe Rosen are the principals. Can we put up a couple things on the board?

MR. ARGENIO: I wish you would. Sir, what's the name of your engineering firm?

MR. FOLCHETTI: J. Robert Folchetti & Associates. The property is--

MR. ARGENIO: If I can interrupt you for just one second, please, Mark, I want you to inasmuch as this is I think our second or third senior housing and just briefly for the benefit of the board members briefly explain to them what the procedure is or Dominic, I don't care who, about the review process on these senior housing projects.

MR. EDSALL: Initially, there's a--

MR. ARGENIO: And at what stage this application is at.

MR. EDSALL: There's a submittal made to the Town Board and concurrent submittal made to the planning board. The intent of the planning board receiving the plan is so they can make a recommendation to the Town Board relative to the appropriateness of in their opinion from a planning standpoint the location and compliance so the Town Board can move forward toward consideration of a special permit. That referral back over to the

Town Board has been made, the planning board had made a recommendation, at this point, the Town Board is waiting for this application now, it's a formal site plan application to this board to proceed and once it reaches a point where this board feels it's appropriate to consider a negative dec and in fact they do adopt a negative dec, the Town Board will at that point be able to consider special permit for the senior housing plan and then the applicant will come back to the planning board and seek site plan approval. So this is the first appearance to this board as part of the site plan application but you have seen it previously as part of your recommendation to the Town Board.

MR. ARGENIO: So everybody understands we'll see this a few more times and Mr. Jacobowitz so I understand ultimately tonight what you're looking for from this board is the issuance of a negative dec, is that right?

MR. JACOBOWITZ: We'd love you to do that.

MR. EDSALL: But we're not close.

MR. JACOBOWITZ: We need you to declare intent to be lead agency and authorize circulation to run the 30 days.

MR. ARGENIO: The next big hurdle for you is the negative dec which gets you back to the Town Board, okay, now tell us about your project.

MR. EDSALL: Let me just before Gerry goes on, I did prepare review comments, at this point, I have focused my view on the specific provisions of the senior housing regulations because there are specific bulk requirements, specific provisions about parking, access and different amenities. My comments really deal with just the Section 300-18 of the Town Code which is the provisions and the amenities and the requirements to have a senior housing site plan versus just a plain old

site plan. Once this board and I'm looking for, I've underlined certain things that I want the board to look at more specifically with the applicant tonight once some of the things such as a side yard waiver which is available by code to reduce the side yard based on their specific configuration of the lot. Once all of the issues that I've asked you to look at tonight are resolved I can expand my review and start looking more at the details but I'd like to make progress on just those items if possible.

MR. ARGENIO: Go ahead.

MR. JACOBOWITZ: We would have liked to get the negative dec tonight but I think Dominic would have pushed the button and the trap door would have opened and I would have disappeared.

MR. CORDISCO: Either you or the chairman.

MR. ARGENIO: You or me.

MR. JACOBOWITZ: You're his client, I'm expendable. Okay, the project is located near the Five Corners, this is the Hannaford Supermarket here, our entrance is here, Knox Village is right here, that's owned by an affiliated group of ours that's been a long time market rental project here in the town.

MR. SCHLESINGER: Your entrance is on 32?

MR. BABCOCK: That's correct.

MR. SCHLESINGER: Going south it's south of Hannaford's?

MR. BABCOCK: That's correct.

MR. JACOBOWITZ: Correct, here's the Five Corners and we're headed this way south on 32. We also have

provided for an exit out into Knox Village right at this point so there are two means of access to the property which should facilitate emergency vehicles and the whole traffic flow. Mr. Mendelbaum was here before us, he's been here 60 some days or something, we've been here over three years because when we walked in the door there was no door like this and we worked with the town to help formulate the law that's the one that Mark referred to as the 300-18.

MR. ARGENIO: Thank you for bringing that to my attention.

MR. JACOBOWITZ: So if there's something wrong with the law I've got to take some responsibility for it but we think it's a good one, we think it's gone let the town accomplish a lot of what they want to accomplish. We're glad to be part of it with this project. So it's 183 units and I'm going to let Banny explain the site plan and the architectural aspect and then John will talk something about the engineering issues and then questions I think you may have questions and I think what Mark has got in his letter are things we may try to address also.

MR. JESUDASON: Thank you for giving me an opportunity to explain this project. Gerry's already given you some indication of the context, we had this project location, we saw this property in the context of other projects around this area and this is going to show a little more this detail what we have completed in this long narrow site. This is the main access from the main road and the first as you enter we have a club building with a swimming pool and other amenities and this property also happened to have wetlands and we're very sensitive to the ecosystem and we don't want to disturb as much as possible so we located eight apartments or dwelling unit buildings in this property and they're laid out in groups and provided sufficient traffic access to all these units and also provided

each cluster has some main feature, for example, these three units have a tennis court in the middle so people can have a nice view all around the apartment building. And we move to the next one we have another building located here and this also has a park-like setting, an area where the people can come out enjoy the outdoors. And then in the next group we have two buildings and here also we have in between the two buildings we have another park-like setting with a gazebo and here what you see here is another wetland area so we left it as it is without disturbing that and then in the next group we have another two buildings, again, between these two buildings we have created a sitting area. Rather important feature that we have accomplished here is we have the road network is all around the building so in case there's a fire or the fire truck has to come into this facility.

MR. ARGENIO: How wide is the road?

MR. JESUDASON: It's 24 feet wide road.

MR. ARGENIO: I believe they look for 30, don't they, Mark?

MR. BABCOCK: Well, not necessarily, Mr. Chairman, the 30 is the fire lane so I'm not sure what they're going to call a fire lane here so they'll, I think there's some comments in the file right now, they were meeting today in my office in reference to this project so there's probably some comments somewhere around from the fire inspector's office.

MS. MASON: Yes, they're in here.

MR. JESUDASON: And all these buildings have adequate parking around that and three buildings in addition to this parking also have a lower level parking and these eight buildings are three story buildings and each floor this is the elevation of the building that we

have created, all the units in this buildings there are eight units in each floor and all the units have balconies so people can from their each unit they can come and sit outside and enjoy the outdoor area and the view and we have two bedroom units and one bedroom units and there are eight units in each floor and these show some of the layout of individual units, the corner units have bedrooms on the corners so they have a nice view outside and this particular one has a living and dining on the corner which has a good view outside and I have explained the layout and that's the general description of the project.

MR. ARGENIO: Thank you.

MR. FOLCHETTI: John Folchetti. I'd like to talk, just fast overview on three issues, water, waste water and storm water as general things because we need to get some of these flow issues ironed out with the town engineer. There's a ten inch water line that comes down here and feeds Cornwall, there's a water meter pit on our side of the property line and what we'd like to do is build another bigger pit on the south property line, allow Cornwall to take their meter off that and make our loop off the northerly pit and switch the meter numbers. Right now, our proposed average day demand for water consumption is 22,000 gallons a day. We base that on the consumption rate for Knox Village and on a single bedroom ratio. Knox Village has 318 units, 554 bedrooms, we're proposing 183 units, 327 bedrooms on a 12 bedroom mix, so the ratio on Knox Village is about 1.75 bedrooms per unit, down here is 17.79, they're using 120 gallons per day per unit, we'd like to propose that--

MR. ARGENIO: You're giving us too technical of an overview right now.

MR. FOLCHETTI: I'll call you about that.

MR. EDSALL: Just my comments noted that I will get into flow rates and all that later and I also have met with the Water Superintendent, your proposal for re-orienting the meters won't work because that meter is subject to New York City DEP approval and it's been about two years we're waiting for them to approve what's there now. We'd need to keep that right where it is because I don't want to spend another three years, bottom line is we have some things once the board gets the layout concept we have a lot of work to do.

MR. ARGENIO: I think the internal water mines and this facility are required to be 12 inch, didn't we have that discussion less than a year ago you and I about--

MR. EDSALL: Commercial needs to be 12 but this is multi-family so they may need a 12 inch feed but the internal distribution could probably be eight.

MR. ARGENIO: If you only have a ten there should been no requirement for a 12 here, should there?

MR. EDSALL: They need to effectively run a main back to the town system and not use the line that feeds the Cornwall district so it's a different issue.

MR. ARGENIO: Go ahead, sir, I apologize for interruption.

MR. JESUDASON: I'm writing notes, all right, generically, waste water, site slopes from west to east, there's another sewer easement over here on the east side of the property that we'd like to tie into, storm water we originally decided to attempt to store we're going to store in an attempt to ameliorate, attenuate some of the discharge subsurface, we conducted soil tests and the plans reflect that storm water plan that's presented here right now was based on future subsurface or investigation, we did that

investigation subsequent and that's not gonna work so we're--

MR. ARGENIO: Wait a second, you don't have perc there?

MR. FOLCHETTI: That's what I'm telling you.

MR. ARGENIO: You're kidding me.

MR. FOLCHETTI: No, it's unbelievably awful.

MR. ARGENIO: Okay, fine.

MR. FOLCHETTI: So without getting too technical we'll come back to Mr. Edsall and discuss those issues, that's the fast overview on the utilities, if you have questions I will entertain them.

MR. ARGENIO: I have two very quick questions, you said you're not going to have subsurface water treatment, is that right?

MR. FOLCHETTI: No, I said we're not going to have subsurface attenuation, we're still going to have our detention and all of our attenuation subsurface is under the paved areas so we don't disturb more of the site than necessary.

MR. ARGENIO: Okay, I like that, that's good.

MR. FOLCHETTI: We hoped you liked it.

MR. ARGENIO: I do. How many wetlands are you hitting?

MR. FOLCHETTI: The only place we're going to need wetland remediation is on the main road because this ties up right across this entry point.

MR. ARGENIO: I don't mean to be a wise guy but that's not what I was asking. How much wetlands are you

impacting? I see what I think are three locations.

MR. FOLCHETTI: Correct.

MR. ARGENIO: How much is that?

MR. FOLCHETTI: Total wetlands acreage?

MR. ARGENIO: Well, it's about--

MR. FOLCHETTI: The regulated wetlands is 1.09 acres total for those three distinct areas on the site.

MR. ARGENIO: You need a permit for?

MR. FOLCHETTI: None of them are DEC, they appear to be corps wetlands so the disturbance of the wetlands is going to be subject to a corps application but because the area is 500 square feet.

MR. CORDISCO: Yeah, as long as they're under half of an acre they still have to file what's called a pre-construction notice with the corps, they'll be covered under a nationwide permit, that's correct.

MR. ARGENIO: He's so smart.

MR. FOLCHETTI: He is. Do you have anymore questions?

MR. ARGENIO: You're in good shape. I think that everybody here on the board has got to get used to when these applicants give us the opportunity to look at the plans we need to take a look at them even more so than just at a quick meeting. At least I know with the Mendelbaum property I've seen that drawing a hundred times outside of planning board meetings at different discussions I've had and stops at Town Hall, we should do the same with this application, other ones that come before us. One thing comment I would make is is there sufficient clubhouse space given the amount of square

footage of buildings we have? I don't think I'm looking for an answer right now, Mr. Jacobowitz, just a comment.

MR. JACOBOWITZ: Mark says we're 460 square feet less than we should by arithmetic calculation.

MR. ARGENIO: So there's an arithmetic calculation contained in the code?

MR. JACOBOWITZ: Yes.

MR. EDSALL: But I think there's also you had some space in the individual buildings so I think it's just a matter of totaling it because it's indoor community space so there's, that's what I'm saying they need to give you that schedule and you all have to agree it's okay.

MR. JACOBOWITZ: We need 3,600 and some square feet under the code, we're at 3,200 in one area and Mark's comment is do we have other areas that qualify and we have to look at that.

MR. ARGENIO: Okay, the second thing that I would comment on and I don't mean to piggy back Mark Edsall but we do kind of think alike sometimes, I'm going to read his comment, the plans include tennis courts and outdoor pool at the clubhouse. Board may wish to inquire regarding passive recreation, i.e., walking paths and benches, et cetera. I think it's a capital suggestion, very good suggestion, I think you should consider that Mr. Jacobowitz this land currently is raw, untouched land.

MR. JACOBOWITZ: Yes, yes, it is, well, you saw it from the aerial, the entrance is here, it's 50 feet and there's a house right here, the house here, Hannaford's is here and then over here is Advanced Auto there's a house.

MR. BABCOCK: There's a couple foundations.

MR. JACOBOWITZ: House here and house here, excuse me, that's Advanced Auto right there and the town line is here, you're familiar with the fact that this property used to be in both towns.

MR. ARGENIO: I'm very intimately familiar.

MR. JACOBOWITZ: So now the town line follows the boundary of the property that made life a lot easier than trying to be back and forth to both municipalities. The 35 foot issue we need 50 feet under the code, we don't quite make it right here and we do make 35 feet and we could have a variance as much as 50% which would be 25 foot, we're showing 35 so we do need a little relief and it's right in this spot right here and you can't quite see it clearly from this, we need an area for driveways.

MR. ARGENIO: Sheet G2.

MR. SCHLESINGER: The access is limited by the wetland, you have 30 foot fire lane which is disrupted, right, it's not a complete loop.

MR. JACOBOWITZ: Right here you mean? No, it doesn't go through, you come in from both sides.

MR. SCHLESINGER: You can come in from the one side, come in from the other side but you can't continue.

MR. JACOBOWITZ: That's correct.

MR. SCHLESINGER: I'm sure this is going to be reviewed by fire but, you know, that could be potentially a problem.

MR. JACOBOWITZ: We'll take it up with them and see how

to resolve that. Also interior there's sidewalks in the interior of the property and we have provided for 30 foot wide road area of which 24 foot is paved, so we think we're going to be okay on the 30 foot requirement with that but we'll need the waiver on the 50 foot side yard for that limited area, hopefully, we'll be able to satisfy the issues that would allow you to recommend that because that decision is made by the Town Board the way the statute's drafted. Any other questions that we can field tonight?

MR. ARGENIO: Henry Scheible just whispered in my ear said the site is very busy. I tend to agree with him.

MR. JACOBOWITZ: Well, the green area's 52 percent, the area that will be green and I think we've got a plan that shows that. We've got a lot of landscaped areas.

MR. ARGENIO: I don't think I doubt on that, what's that area just to the east of the clubhouse that area?

MR. JESUDASON: That's a wetland, this and this is a wetlands.

MR. FOLCHETTI: It's also the aqueduct and power easement.

MR. JESUDASON: And this drawing shows the open space, the green area shows the open space which is 42 percent.

MR. JACOBOWITZ: Forty-two, sorry.

MR. ARGENIO: Do you guys have an copy of Mark's comments?

MR. JACOBOWITZ: Yeah, we just got it.

MR. ARGENIO: Just want to direct your attention, the architects and the engineers, to comment 3, bullet 1,

the submittal drawings 209 total 20 sheets numbered blah, blah, blah, the thrust of it is drawing G2 is a preliminary proposed site condition, site plan at a hundred scale for this plan is worthwhile, general layout reference plan for the overall project but is an inappropriate scale for detailed site plan. We'd like to get something around a 30 scale even a little more is not a problem, even 40 is not the end of the world.

MR. FOLCHETTI: We can do that, it's not an issue, we're good.

MR. EDSALL: That's the one I'm looking when you start doing dimensional issues.

MR. JACOBOWITZ: Okay.

MR. ARGENIO: You don't even want a 50, okay, what else do you guys have?

MR. FOLCHETTI: Just to comment on the busyness of the site we have left the easterly portion of the site untouched cause that's the steepest slope coming down to the Moodna Creek and what we want to do is leave this line of vegetation in that area of the site undisturbed in order to provide a screen on each side of the facility.

MR. ARGENIO: What are you screening from, the creek?

MR. FOLCHETTI: The creek and I think that Knox Headquarters maybe cause it's northeast of us so we're trying to leave that vegetation.

MR. ARGENIO: Do we have a historic issue? They're outside that overlay, aren't they?

MR. EDSALL: You only have a historic issue if you believe this would impact the site lines so they're addressing it even though you haven't raised it.

MR. ARGENIO: I don't believe that, okay, that's fine.

MR. SCHEIBLE: Is there accessibility into this project, the project hasn't started yet but into this area is there anyway to walk in there right now, is it all just barren?

MR. BABCOCK: Yeah, you can go there, I could take you there.

MR. SCHEIBLE: I'd like to see it.

MR. FOLCHETTI: For the site work?

MR. SCHEIBLE: Yeah.

MR. FOLCHETTI: Sure.

MR. ARGENIO: Mr. Jacobowitz you'll take Henry to the site on a site visit?

MR. JACOBOWITZ: Sure.

MR. SCHEIBLE: I'd just like to visualize this area.

MR. JACOBOWITZ: DiMicelli is the owner in the front.

MR. BABCOCK: It's the only house left, Mr. Chairman. Mr. Jacobowitz was talking about number 2, the second waiver side yard, that waiver is done by this board, not the zoning board.

MR. ARGENIO: I'm not twisted up about that, I don't think anybody here is twisted up about it, that's why I kind of glossed over it.

MR. BABCOCK: What they really need at some point I don't know if it's tonight but if this board is going to consider that waiver they can continue with this

plan if they're not this plan must change which is going to change everything.

MR. EDSALL: Just procedurally on the waiver the way the code is set up the Town Board must include the waiver in their special permit and then as part of your approval you have to include the waiver as well so--

MR. CORDISCO: Both boards have to confer and/or at least agree and as to whether or not the waiver should be issued. For tonight's purposes, it would be helpful if you would have a discussion and a consideration and perhaps even express an opinion as to whether or not you would consider the waiver so that way we can move forwards with the review.

MR. EDSALL: Section 2 says a waiver must be considered by the planning board for setback subject to the following and the first subject is that the Town Board included it in their special permit so ultimately your final approval has to include the waiver but I think it would be fair to let the applicant know your take on it as it may be.

MR. ARGENIO: We're going to have, at what point is it appropriate to have a public hearing on this application?

MR. EDSALL: I think the next step in all honesty looking at my comments I really think you need to consider the last bullet on comment number 2 which is working with the applicant to decide what amenities as far as accessory operations, accessory uses are included. You have more participation in that discussion cause there's over a hundred units, I think that's important because I think the applicant will want to as it may be explain those amenities or tie those amenities in as part of their public hearing.

MR. ARGENIO: Well, you know what, I have two things

there relative to that, I told you I'm not twisted about that side yard business but I'm only one member, the other guys have, certainly have commentary on it. But suppose there's a member and owner of the lot next door who's got something going on right adjacent to that and he has a valid reason for having a problem with that and we advise this applicant that, you know, it's okay, this board is okay.

MR. EDSALL: You're not voting on it.

MR. ARGENIO: You want us to give them a flavor. Let's just assume for this discussion that the flavor is favorable then at some point in time at a later date we're put in the unenviable position of an owner rightfully so or not having a problem with them having that variance, I mean, that's, I don't want to be put in that spot.

MR. EDSALL: And unfortunately just the sequence, the way the law's written the Town Board has to okay that waiver before this board can include it in their approval.

MR. ARGENIO: Does anybody else have a problem with that?

MR. SCHLESINGER: I agree, that's a good point.

MR. ARGENIO: I don't have a problem with the side yard but if somebody shows up next door they have a problem with it and they have a valid reason, it's an issue.

MR. CORDISCO: That's why you wouldn't want to grant it tonight.

MR. ARGENIO: That doesn't mean any issue somebody could dream up is a problem.

MR. JACOBOWITZ: I understand you want to be able to

give somebody a fair hearing if they come in and they have a legitimate point.

MR. ARGENIO: Said it very wisely.

MR. JACOBOWITZ: But the neighbor is Cornwall, it's not a New Windsor resident, that doesn't mean you shouldn't give them the same attention than anybody else but what's over there?

MR. ARGENIO: I don't know.

MR. JACOBOWITZ: It's adjoining Chestnut Woods subdivision.

MR. EDSALL: Your other client?

MR. JACOBOWITZ: No, he's not my client, Chestnut Woods is not my client.

MR. EDSALL: Just kidding.

MR. ARGENIO: That would be good.

MR. EDSALL: It's happened.

MR. BABCOCK: We talked about Chestnut Woods and the infrastructure with the water, that's the one that's adjacent to this.

MR. ARGENIO: I don't know the answer to the question.

MR. JACOBOWITZ: They can come and object, they wanted a height variance for their project and so, you know, I don't see it's a real issue here because we don't have a bunch of homeowners, we have a lot of homeowners over here right here, that's where we've got a lot of single family residential homeowners over there. Here's us and this is Chestnut Woods so I don't see we've got a problem with that.

MR. EDSALL: It's a similar use, it's another multi-family project.

MR. ARGENIO: No problem.

MR. JACOBOWITZ: There's nothing here now, it will be Chestnut Woods when and if it's built so and that's one of the reason we've got a heavily landscaped area along here to provide screening for that adjoining residential.

MR. ARGENIO: I think we answered the question about the side yard business, Dominic, what else did you recommend we think about and consider tonight?

MR. CORDISCO: Well, that I think was it in terms of or was there anything else?

MR. ARGENIO: I want time, Mr. Jacobowitz, I will be very frank with you and your Mr. Rosen has done a lot of good development in this town, I know his name goes back a good many years long before me.

MR. EDSALL: You asked me a question when should they have a public hearing. The next step we need to work with Gerry to make sure all the SEQRA information that would need to be available we need to have the SWPPP available, we have a traffic study has already been submitted.

MR. CORDISCO: Yes.

MR. EDSALL: So that when you have the public hearing no one could ever say all the information wasn't available so once we're there I think the plans we need to have the 30 scale drawings, other than that, there's a heck of a lot of good information here already.

MR. ARGENIO: To that end which I was just saying I

gave Mr. Rosen a compliment and what I was leading into from that was that there is a lot of bullets here and I want before we offer in my opinion before we offer specific commentary on some of these things that you have requested guidance on, Mark, I'd like the members to have a chance to look at these plans and consider these plans and I myself I know would like a chance to look at the plans and consider the plans. I gave you my initial reaction is that I think the people need a place to walk and I think the site's a little busy but I'd like to have a chance to sit and digest and look at it, I don't think that's unreasonable.

MR. JACOBOWITZ: We're asking that you declare intent so we can get the 30 days running so we get passed that then when we come back to you we have, we'll have addressed a lot of what's in Mark's letter and satisfy a lot of the issues he's raised there and you'll have had a chance to study this--

MR. CORDISCO: It's totally appropriate to circulate for lead agency.

MR. ARGENIO: I'm okay with that, these other things are on my mind and I want to get them out of there. Danny, do you have anything else?

MR. GALLAGHER: No.

MR. SCHEIBLE: No, just like you said, I'd like to, this takes a lot of swallowing here to digest this.

MR. ARGENIO: I will accept a motion we circulate a lead agency coordination letter.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that

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the Town of New Windsor Planning Board circulate lead agency coordination letter for Legacy Woods subdivision. No further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. JACOBOWITZ: Thank you very much. You have given us a lot of guidance and we know what we've got to do to come back and satisfy your questions so thank you.